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DATE: August 1, 2005Number of Pages to Follow (including cover sheet) 13

SEND TO: United States Patent Office  
Examiner: S. D. Campbell  
Group Art Unit: 2178  
Tel No: \_\_\_\_\_  
Fax #: 512-273-8300

FROM: J. B. KRAFT  
Tel No: 512-473-2303

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Docket No. M592000 0979v1 Serial No. 09/801,617 Atty: J. B. KRAFTApplicant: S. F. Abdelhadi

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 Amendment AF       Appeal Brief (3 copies)  
 Ext. of Time       Reply Brief (3 copies)  
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Fees: Amendment      Notice of Appeal      Appeal Brief      Other

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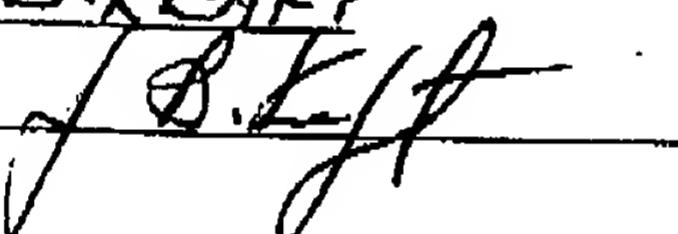
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2178  
Sanaa F. Abdelhadi et al. : Examiner J. D. Campbell  
Serial No: 09/801,617 : Intellectual Property  
Filed: March 8, 2001 : Law Department - 4054  
Title: REVIEWING PORTIONS : International Business  
OF THE HYPERTEXT WORLD WIDE : Machines Corporation  
WEB DOCUMENTS LINKED TO : 11400 Burnet Road  
HYPERLINKS IN RECEIVED WORLD : Austin, Texas 78758  
WIDE WEB DOCUMENTS : Customer No. 32,329

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2179 at telephone number 571-273-8300, and to the attention of Examiner J. D. Campbell on August 1, 2005.

J.B.KRAFT



## REPLY BRIEF ON APPEAL BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed May 31, 2005.

In the Examiners Answer, Examiner raises several arguments with respect to Applicants' Declarations under 37 CFR 1.131 which established a date of invention prior to the

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Weiss Publication 2003/0014415, filed February 22, 2001 in order to establish invention of claims 1-20. Since Weiss is the primary reference in both the 35 U.S.C. 102, and 103 rejections herein, if Weiss is antedated by Applicants' Declarations, there would be no further basis for the rejections.

The Brief on Appeal set forth Applicants' arguments with respect to establishing priority of invention under 37 CFR 1.131 over both references. However, in this Reply Brief, Applicants will address additional points of argument raised by Examiner in the Answer.

Both Examiner and Applicants have agreed that since the Applicants are relying on the March 8, 2001 filing date of the present application as a constructive reduction to practice, the critical period for showing diligence is the 14 day period from just prior to the February 22, 2001 filing date of the Weiss Publication until the present March 8, 2001 reduction to practice.

Examiner on page 10, last paragraph states that this agreement on what is the critical period "does not warrant the assumption that the application reached its final form on exactly the first day of the critical period". What Examiner seems to be arguing is that the facts do not indicate that the Application was in its "final form" on the first day of the critical period i.e the February 22, 2001 filing date of Weiss. Thus, Examiner implies conception was not shown before filing date of Weiss.

Applicants submit that this argument has no basis in the facts presented in the Declaration of Kraft, attorney who prepared the application. He states that his diary entries indicate that before the February 22, 2001 date he worked a total of 30 hours on the application. His last entry in his diary on this application, a "redo" was made

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prior to the February 22 date. He made no further entries in his diary which indicated to attorney Kraft that he made no further changes in the application which he prepared and filed on March 8, 2005, just fourteen days after the critical date.

In a related point, Examiner appears to argue that since the last attorney diary entry on this application, indicative of a completed draft in final form was on January 23, 2001, that some form of diligence should have to have been shown during the 44 day period between January 23 and the March 8 filing date of this application. This statement is at variance with Examiner's concession that the February 22 to March 8, fourteen day period was the critical period.

Applicants submit that in practice, the Declaration of Kraft was permitted to blank out the January 23, 2001 date (MPEP715.07) in the diary, and only allege conception on the critical February 22, 2001 date. The fact that Applicants for convenience in presenting the evidence chose not to blank out the January 23, 2001 date does not change the issues of law. Applicants needed only to show diligence during the fourteen day period between February 22 and March 8, 2001. It is submitted that a fourteen day period is not an unreasonable one during which a patent application is processed from final draft to executed patent application filed in the U. S. Patent Office.

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PATENT  
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Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1-20, all of the claims in the present patent application be found to be in condition for allowance.

Respectfully submitted,

J. B. Kraft  
Attorney for Applicants  
Registration No. 19,226  
(512) 473-2303

**PLEASE MAIL ALL CORRESPONDENCE TO:**

Herman Rodriguez  
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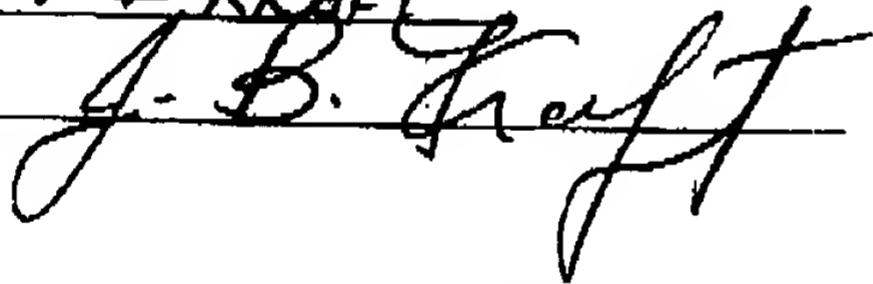
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The Brief on Appeal set forth Applicants' arguments with respect to establishing priority of invention under 37 CFR 1.131 over both references. However, in this Reply Brief, Applicants will address additional points of argument raised by Examiner in the Answer.

Both Examiner and Applicants have agreed that since the Applicants are relying on the March 8, 2001 filing date of the present application as a constructive reduction to practice, the critical period for showing diligence is the 11 day period from just prior to the February 22, 2001 filing date of the Weiss Publication until the present March 8, 2001 reduction to practice.

Examiner on page 10, last paragraph states that this agreement on what is the critical period "does not warrant the assumption that the application reached its final form on exactly the first day of the critical period". What Examiner seems to be arguing is that the facts do not indicate that the Application was in its "final form" on the first day of the critical period i.e the February 22, 2001 filing date of Weiss. Thus, Examiner implies conception was not shown before filing date of Weiss.

Applicants submit that this argument has no basis in the facts presented in the Declaration of Kraft, attorney who prepared the application. He states that his diary entries indicate that before the February 22, 2001 date he worked a total of 30 hours on the application. His last entry in his diary on this application, a "redo" was made.

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In a related point, Examiner appears to argue that since the last attorney diary entry on this application, indicative of a completed draft in final form was on January 23, 2001, that some form of diligence should have to have been shown during the 44 day period between January 23 and the March 8 filing date of this application. This statement is at variance with Examiner's concession that the February 22 to March 8, fourteen day period was the critical period.

Applicants submit that in practice, the Declaration of Kraft was permitted to blank out the January 23, 2001 date (MPEP715.07) in the diary, and only allege conception on the critical February 22, 2001 date. The fact that Applicants for convenience in presenting the evidence chose not to blank out the January 23, 2001 date does not change the issues of law. Applicants needed only to show diligence during the fourteen day period between February 22 and March 8, 2001. It is submitted that a fourteen day period is not an unreasonable one during which a patent application is processed from final draft to executed patent application filed in the U. S. Patent Office.

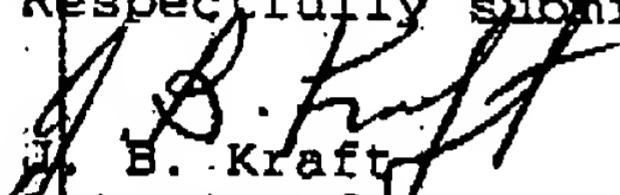
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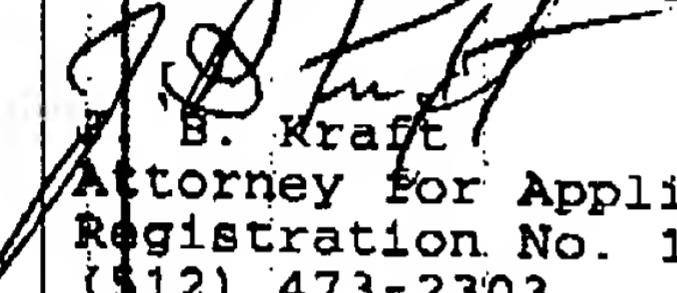
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